

terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this chapter, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

(Aug. 11, 1916, ch. 313, pt. C, § 6, 39 Stat. 486; July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, § 2, 46 Stat. 1463.)

AMENDMENTS

1931—Act Mar. 2, 1931, struck out “under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as” in first sentence, and inserted “, or his designated representative,” after “Secretary of Agriculture” in last sentence.

1923—Act Feb. 23, 1923, inserted provision permitting the Secretary of Agriculture, in his discretion, to include the requirements of fire insurance among the terms and conditions of the bond.

1919—Act July 24, 1919, struck out “other than personal security” after “good and sufficient bond” in first sentence and after “including the requirements of fire insurance” at end of second sentence.

CROSS REFERENCES

Action on bond by person injured, see section 249 of this title.

Designation as bonded warehouse, filing of bond such as is provided in this section as prerequisite to, see section 250 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 249, 250 of this title.

§ 248. License to person not warehouseman; bond; duties of licensee

The Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this chapter and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this chapter, and the rules and regulations hereunder affecting warehousemen licensed under this chapter, and shall otherwise be subject to this chapter, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder.

(Aug. 11, 1916, ch. 313, pt. C, § 9, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 4, 46 Stat. 1464.)

AMENDMENTS

1931—Act Mar. 2, 1931, inserted “, or his designated representative,” after “Secretary of Agriculture”.

CROSS REFERENCES

Action on bond by person injured, see section 249 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 245, 249 of this title.

§ 249. Action on bond by person injured

Any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 247 or 248 of this title, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

(Aug. 11, 1916, ch. 313, pt. C, § 7, 39 Stat. 487.)

§ 250. Designation as bonded warehouse

Upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this chapter, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this chapter, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 247 of this title, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this chapter for the conduct of such warehouse remains unsuspended and unrevoked.

(Aug. 11, 1916, ch. 313, pt. C, § 8, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 3, 46 Stat. 1463.)

AMENDMENTS

1931—Act Mar. 2, 1931, substituted “may” for “shall” before “be designated” in first clause, and inserted “, or his designated representative,” after “Secretary of Agriculture” wherever appearing.

CROSS REFERENCES

Punishment for violating the provisions of this section, see section 270 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 270 of this title.

§ 251. Fee for warehouse examination, inspection, and licensing; amount; disposition of moneys

The Secretary of Agriculture, or the Secretary's designated representative, shall charge, assess, and cause to be collected a reasonable fee for (1) each examination or inspection of a warehouse (including the physical facilities and records thereof and the agricultural products therein) under this chapter; (2) each license issued to any person to classify, inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this chapter; (3) each annual warehouse license issued to a warehouseman to conduct a warehouse under this chapter; and (4) each warehouse license amended, modified, extended, or reinstated under this chapter. Such fees shall cover, as nearly as practicable, the costs of providing such services and licenses, including administrative and supervisory costs: *Provided*, That the amount of such

fees collected for cotton warehouse inspections shall not exceed \$400,000 in the fiscal year ending September 30, 1982, \$415,000 in fiscal year ending September 30, 1983, and \$430,000 in the fiscal year ending September 30, 1984. All fees collected shall be credited to the current appropriation account that incurs the costs and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under this chapter. The Secretary may deposit such funds in an interest bearing account with a financial institution. If any interest is earned on this account such interest shall be credited to the account for use by the Secretary in providing such services.

(Aug. 11, 1916, ch. 313, pt. C, §10, 39 Stat. 487; Mar. 2, 1931, ch. 366, §5, 46 Stat. 1464; Aug. 13, 1981, Pub. L. 97-35, title I, §158(a)(1), 95 Stat. 375.)

AMENDMENTS

1981—Pub. L. 97-35 substituted provisions requiring the Secretary or the Secretary's designated representative to charge, assess, and cause to be collected fees for warehouse examination, inspection, and licensing, for provisions authorizing the Secretary or his designated representative to charge, assess, and cause to be collected fees for warehouse inspection and licensing.

1931—Act Mar. 2, 1931, inserted “, or his designated representative,” after “Secretary of Agriculture”, substituted “may” for “shall” where appearing for first time and substituted provision authorizing a reasonable fee to be charged for license issued to warehouseman or other person to classify etc., agricultural products for former provision requiring a fee of \$2 per annum for each license or renewal thereof issued to a warehouseman, all in first sentence.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 158(b) of Pub. L. 97-35 provided that: “The provisions of this section [amending this section and section 271 of this title] shall become effective October 1, 1981.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 271 of this title.

§ 252. License to classify, grade, or weigh agricultural products

The Secretary of Agriculture, or his designated representative, may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this chapter, according to condition, grade, or otherwise and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this chapter and of the rules and regulations prescribed hereunder so far as the same relate to him.

(Aug. 11, 1916, ch. 313, pt. C, §11, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, §6, 46 Stat. 1464.)

AMENDMENTS

1931—Act Mar. 2, 1931, inserted “, or his designated representative,” after “Secretary of Agriculture”.

1923—Act Feb. 23, 1923, inserted “inspect, sample or” before “classify” and “condition” before “grade” wherever appearing.

§ 253. Suspension and revocation of license to classify, grade, or weigh

Any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this chapter may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this chapter or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing.

(Aug. 11, 1916, ch. 313, pt. C, §12, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, §7, 46 Stat. 1464.)

AMENDMENTS

1931—Act Mar. 2, 1931, inserted “, or his designated representative,” after “Secretary of Agriculture” wherever appearing.

1923—Act Feb. 23, 1923, inserted “inspect, sample or” before “classify” wherever appearing.

§ 254. Discrimination by warehouseman prohibited

Every warehouseman conducting a warehouse licensed under this chapter shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

(Aug. 11, 1916, ch. 313, pt. C, §13, 39 Stat. 488.)

§ 255. Deposits of products deemed subject to chapter

Any person who deposits agricultural products for storage in a warehouse licensed under this chapter shall be deemed to have deposited the same subject to the terms of this chapter and the rules and regulations prescribed thereunder.

(Aug. 11, 1916, ch. 313, pt. C, §14, 39 Stat. 488.)

§ 256. Inspection and grading of products stored

Any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this chapter, shall be inspected and graded by a person duly licensed to grade the same under this chapter.

(Aug. 11, 1916, ch. 313, pt. C, §15, 39 Stat. 488; Feb. 23, 1923, ch. 106, 42 Stat. 1283.)